

(Draft - Awaiting Formal Approval)

**MINUTES OF THE
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, May 19, 2010 – 10:00 a.m. – Room 30 House Building

Members Present:

Sen. Jon J. Greiner, Senate Chair
Rep. Douglas C. Aagard, House Cochair
Rep. Lorie D. Fowlke, House Cochair
Sen. Lyle W. Hillyard
Sen. Benjamin M. McAdams
Sen. Ross I. Romero
President Michael G. Waddoups
Rep. Sheryl L. Allen
Rep. Trisha S. Beck
Rep. Jim Bird
Rep. Richard A. Greenwood
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Brian S. King
Rep. Rebecca D. Lockhart
Rep. Kay L. McIff

Rep. Curtis Oda
Rep. Jennifer M. Seelig
Rep. Mark A. Wheatley
Rep. Larry B. Wiley
Rep. Carl Wimmer

Members Absent:

Sen. D. Chris Buttars
Rep. Don L. Ipson

Staff Present:

Mr. Jerry D. Howe, Policy Analyst
Mr. Stewart E. Smith, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Ms. Amanda K. Majers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Fowlke called the meeting to order at 10:15 a.m. Sen. Buttars was excused from the meeting. Chair Fowlke discussed "Statistical Summary of Legislation 2010 General Session," "Statistical Summary of General Sessions 2006-2010," "2010 General Session Committee Bills," and "Master Study Resolution Items and Sunset Reviews for the 2010 Judiciary, Law Enforcement, and Criminal Justice Interim Committee," which were distributed to the Committee prior to the meeting. She also asked committee members to review "2010 Committee Membership List," which was distributed to the Committee and to give any corrections of the information to committee staff.

MOTION: Rep. Aagard moved to approve the minutes of the November 18, 2009 meeting. The motion passed unanimously, with Sen. Hillyard and Rep. Hutchings absent for the vote.

2. Department of Corrections

Mr. Thomas Patterson, Executive Director, Utah Department of Corrections, discussed the effects of recent budget cuts on department operations. He also reported on the parole violator center, prison population growth, and inmate medical costs.

Rep. Wheatley inquired how budget cuts will affect recidivism rates. Mr. Patterson stated that the more resources available for mental health, education, substance abuse treatment, and sex offender treatment programs the less likely it is that recidivism will occur.

Mr. Mike Haddon, Deputy Director, Utah Department of Corrections, discussed the effects of budget cuts on inmate bed capacity.

Rep. Beck questioned how budget issues have affected sex offender treatment testing as a tool for determining the appropriateness of parole. Mr. Patterson responded that, while new programs have not been implemented, there are current methods of testing and determining risk when evaluating for parole.

Sen. Greiner inquired about the impact of the recent Supreme Court decision concerning civil commitment of sex offenders. Mr. Patterson stated that he has not had an opportunity to read that decision but would report back to the Committee on the decision's effect on inmate bed space.

Rep. King inquired about the parole violator center's ability to realize cost savings if it were to be funded to its full capacity. Mr. Patterson stated that as a 300 bed facility it could have up to a 900 bed effect per year. Mr. Haddon estimated funding needed to house a person at the parole violator center to be about 8,400 dollars per inmate compared to about 26,000 dollars for violators returned to the prison system. Rep. King asked for additional information on this issue, as it becomes available.

Chair Fowlke asked which program, either the pod in Gunnison or the parole violator center, Mr. Patterson would prefer to be funded. Mr. Patterson stated the addition of a pod would solve the overcapacity problems in the short-term, but the parole violator center would provide the best value over time.

Rep. Allen inquired about the accurateness of sex offender treatment assessment tools. Mr. Haddon stated that recidivism is lower for sex offenders compared to other crimes; however, he said there is an issue of low reporting for sexual offenses.

Rep. Seelig asked how policymakers could improve the reporting rate for sexual offenses. Mr. Patterson responded that programs like the Children's Justice Center, which provide emotional support for victims, should continue to be supported.

3. Department of Public Safety

Mr. D. Lance Davenport, Commissioner, Department of Public Safety, distributed and discussed "Department of Public Safety Budget Reductions," which details budget reductions and the role of federal funding and their impact on the different bureaus of the department.

Rep. McIlff asked for specific personnel information regarding the ratio of staff reduction in each bureau.

Mr. Joseph Brown, Director, Administrative Services, Department of Public Safety, discussed personnel issues related to the budget reductions.

Committee questions and discussion followed.

4. Renewal of Judgments

Rep. Gage Froerer distributed and discussed 2011 General Session draft legislation, "Renewal of Judgment Act" (version 2), which establishes a fee for renewal of judgments.

Mr. Kirk Cullimore, attorney, spoke in favor of the draft legislation.

Mr. Richard Terry, attorney, distributed and discussed suggested changes to the draft legislation.

Mr. Rick Schwermer, Administrative Office of the Courts, spoke to the effect the draft legislation would have on the court system.

Committee questions and discussion followed.

Rep. Froerer requested to report back to the Committee with fiscal note updates on the draft legislation.

5. Utah Sentencing Commission

Ms. Carlene Walker, Chair, Utah Sentencing Commission, discussed "Sections 63M-7-401 through 406, Statutes Relating to the Utah Sentencing Commission," which was distributed to the Committee prior to the meeting. She also distributed and discussed the handout, "Utah Sentencing Commission."

Ms. Jacey Skinner, Director, Utah Sentencing Commission, discussed the role of the Sentencing Commission. She noted the work of the Sentencing Commission has placed Utah in the forefront of sentencing issues. Ms. Skinner asked that the Sentencing Commission be reauthorized and also requested that the Sentencing Commission be removed from the Sunset Act.

Sen. Romero expressed appreciation for the presenters and their work on the Sentencing Commission.

Rep. McIff expressed appreciation for the Sentencing Commission and commented that its role is designed to save the Legislature from overreacting or underreacting in the area of sentencing.

Rep. Hutchings stated that the sunset date should be removed so that the Sentencing Commission could continue to operate without the need for the Legislature to reauthorize it.

MOTION: Rep. McIff moved to remove the Sentencing Commission from the Sunset Act.

SUBSTITUTE MOTION: Rep. King moved to reauthorize the Sentencing Commission and to remove the Sentencing Commission from the Sunset Act.

Rep. Wimmer asked for division of the question.

The motion to reauthorize the Sentencing Commission passed unanimously. The motion to remove the Sentencing Commission from the Sunset Act passed, with Sen. Hillyard, Rep. Grover, and Rep. Wimmer voting in opposition. President Waddoups and Rep. Lockhart were absent for the vote.

6. Other Business / Adjourn

MOTION: Rep. Allen moved to adjourn the meeting. The motion passed unanimously, with President Waddoups and Rep. Lockhart absent for the vote.

Chair Fowlke adjourned the meeting at 12:08 p.m.